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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,188	03/06/2001	Richard Dale Harrah	10006647-1	3393

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TRUONG, THANHNGA B

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,188

Applicant(s)

HARRAH ET AL.

Examiner

Thanhnga B. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/01/2004 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment file on 12/01/2004 has been entered. Claims 1-20 are pending. Claims 1-2, 8-9, 13-14, and 20 are amended by applicant.

2. The cross reference related to the application cited in the specification must be included with PTO serial numbers or patent numbers where appropriated and any other relevant status (see specification, page 8, lines 23-25).

Response to Arguments

3. Applicant's arguments filed December 01, 2004 have been fully considered but they are not persuasive.

Applicant argues that:

"Moss does not disclose or suggest "obtaining a list of target nodes and a tool definition from a runnable tool, wherein the tool definition specifies roles associated with a tool via an authorization model, and wherein the roles define which management functions a user can perform on target nodes associated with the SCM module; obtaining roles associated with a tool from the tool definition," as recited in amended claim 1. Nowhere does Moss teach or suggest the feature of using roles to determine if a user is authorized to run a tool at a target node. Furthermore, Moss does not disclose or suggest "checking if any of the roles associated with the tool are enabled . . . checking if the user is authorized for at least one of the enabled roles on the target nodes," as recited in amended claim 1. Moss does not teach or suggest the use of roles, let alone the features of checking if any of the roles are enabled and checking if the user is authorized for one of the enabled roles."

Examiner totally disagrees with applicant's remark, since Moss does teach "the network host is capable of deleting either serial number from lists of validated serial numbers, so as to prevent users who become unauthorized (e.g. by failure to keep accounts current, etc.) from using the system (column 9, lines 49-53). Furthermore, referring to Figure 14, system administration utilities 546 in utilities 540 are provided. These administration utilities, which are the roles, include adding and deleting authorized users and controlling access to the development computer through use of

passwords (column 27, lines 61-65). However, when reconsidering claims 1 and 13, examiner has found the non-statutory subject matter in claims 1 and 13. Therefore, upon further consideration, a new ground(s) of rejection is made herein.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-8 and 13-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites "a method for validating a user's authorization to run a tool in a service control manager (SCM) module by a security manager, comprising: obtaining a list of target nodes and a tool definition from a runnable tool, wherein the tool definition specifies roles associated with a tool via an authorization model, and wherein the roles define which management functions a user can perform on target nodes associated with the SCM module; obtaining roles associated with a tool from the tool definition; checking if any of the roles associated with the tool are enabled; checking if the user is authorized on the target nodes; and checking if the user is authorized for at least one of the enabled roles on the target nodes." Even though the body of the claim may sound like it has structural elements, the preamble recites a type of software programs and/or technology that allows easy upgrade to new modes and improve performance without the need to replace hardware, which does not even support the remainder of the claim. In addition, the tool is just a program. The tool is nothing more than a code listing on paper. Furthermore, this SCM module can be considered an enabling technology that is applicable across a wide range of areas within the network communication industry, and can be implemented in software alone. Therefore, claim 1 recites non-statutory subject matter. Claims 2-8 depend on claim 1, therefore they are rejected with the same rationale applied against claim 1 above. Claim 13 has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1

above. Claims 14-20 depend on claim 13, therefore they are rejected with the same rationale applied against claim 1 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss et al (US 5,485, 370).

a. Referring to claim 1:

i. Moss teaches:

(1) obtaining a list of target nodes and a tool definition from a runnable tool, wherein the tool definition specifies roles associated with a tool via an authorization model, and wherein the roles define which management functions a user can perform on target nodes associated with the SCM module; obtaining roles associated with a tool from the tool definition; [i.e., referring now to FIG. 14, a development computer 502 is shown with a target computer 504. Target computer 504 may be, for example, the home services delivery system described above. The development computer and the target computer have respective user terminals 506, 508. For purposes of this discussion, it is assumed that the target computer has runtime files on a storage medium 510. The user terminal 508 may access and interface with the runtime files via a runtime driver 512. An essential purpose of the development computer 502 is to facilitate the generation, debugging, and testing of applications programs for the target computer (column 26, lines 53-64). In addition, utilities 540 in the development computer 502 allow the programmer to more easily develop the applications program. For example, the reports utility 542 allows generation of reports relating to the applications program, such as basic printouts of source code or other relevant information

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(that is for “obtaining a list of target nodes and a tool definition; and the tool's roles”) (column 27, lines 51-55)];

(2) checking if any of the roles associated with the tool are enabled; checking if the user is authorized on the target nodes; and checking if the user is authorized for at least one of the enabled roles on the target nodes [i.e., **system administration utilities 546 in utilities 540 are provided. These administration utilities include adding and deleting authorized users and controlling access to the development computer through use of passwords (column 27, lines 61-65)].**

ii. Although Moss does not explicitly disclose information with a list of target nodes, tool definition, etc., Moss does implicitly mention:

(1) The network host is capable of deleting either serial number from lists of validated serial numbers, so as to prevent users who become unauthorized (e.g. by failure to keep accounts current, etc.) from using the system **(column 9, lines 49-53)**. Furthermore, referring to Figure 14, utilities 540 in the development computer 502 allow the programmer to more easily develop the applications program. For example, the reports utility 542 allows generation of reports relating to the applications program, such as basic printouts of source code or other relevant information, wherein the list of nodes or systems' ID or any relevant information about the systems/nodes can be retrieved/reported **(column 27, lines 51-55)**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) clearly mention the information related to the computer nodes for conducting communications between a home computer system and a generally conventional computer network in an extremely simple manner, such that no knowledge of computer operations is necessary for the user of a home computer system to obtain information or perform financial and other transactions through the computer network **(column 1, lines 42-50)**.

iv. The ordinary skilled person would have been motivated to:

(1) clearly mention the information related to the computer nodes by providing user-friendly systems and methods for communicating with a plurality of informational and financial and other service computer systems through a microcomputer-based terminal, such as "home" terminal, so that a typical consumer having little expertise in computer operations can easily use the facilities of the service computer systems (**column 3, lines 59-65**).

b. Referring to claims 2-8, 13-20:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

c. Referring to claim 9:

i. Moss teaches:

(1) target nodes that are managed servers; tools that specify commands or options on the target nodes, each tool including a tool definition, wherein the tool definition specifies roles associated with a tool via an authorization model; roles associated with a tool, the roles defining which management functions a user can perform on the target nodes associated with the SCM module; and a security manager that checks whether any of the roles associated with the tool is enabled, and whether the user is authorized for one of the enabled roles [**i.e., in the arrangement of Figure 15, it is possible for a team of programmers working at various work stations or even a PC, to contribute their effort to the development of a single applications program, or to a corresponding number of different applications programs, using the tools illustrated in detail in Figure 14 (column 29, lines 14-19)]**].

ii. Although Moss does not explicitly disclose information with a list of target nodes, tool definition, etc., Moss does implicitly mention:

(1) The network host is capable of deleting either serial number from lists of validated serial numbers, so as to prevent users who become unauthorized (e.g. by failure to keep accounts current, etc.) from using the system (**column 9, lines 49-53**). Furthermore, referring to Figure 14, utilities 540 in the development computer 502 allow the programmer to more easily develop the

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applications program. For example, the reports utility 542 allows generation of reports relating to the applications program, such as basic printouts of source code or other relevant information, wherein the list of nodes or systems' ID or any relevant information about the systems/nodes can be retrieved/reported (**column 27, lines 51-55**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) clearly mention the information related to the computer nodes for conducting communications between a home computer system and a generally conventional computer network in an extremely simple manner, such that no knowledge of computer operations is necessary for the user of a home computer system to obtain information or perform financial and other transactions through the computer network (**column 1, lines 42-50**).

iv. The ordinary skilled person would have been motivated to:

(1) clearly mention the information related to the computer nodes by providing user-friendly systems and methods for communicating with a plurality of informational and financial and other service computer systems through a microcomputer-based terminal, such as "home" terminal, so that a typical consumer having little expertise in computer operations can easily use the facilities of the service computer systems (**column 3, lines 59-65**).

d. Referring to claims 10-12:

i. These claims have limitations that is similar to those of claims 1 and 9, thus they are rejected with the same rationale applied against claims 1 and 9 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed

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within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

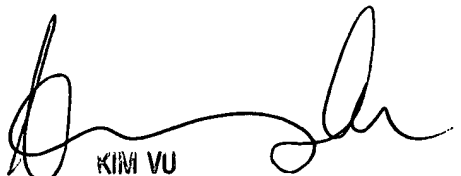
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

April 16, 2005



KIM VU
TECHNICAL PATENT EXAMINER
TECHNOLOGY CENTER 2100